

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DAQUAN SEABROOK,	:	Civil No. 1:21-cv-1137
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
TROOPER ANTWJUAN COX, et al.,	:	
	:	
Defendants.	:	Judge Sylvia H. Rambo

ORDER

Before the court is a report and recommendation (Doc. 10) filed by Magistrate Judge Carlson in which he recommends, upon a legally mandated screening review of Plaintiff Daquan Seabrook's complaint (Doc. 1), that the complaint be dismissed because (1) constitutional claims cannot be premised upon alleged verbal harassment or defamation, (2) *Younger* abstention bars Seabrook's request for an injunction forbidding the police from contacting him or his family; (3) Seabrook may not sue a local police department as a police department is not a "person" for purposes of § 1983; and (4) Seabrook's claim for \$5,000,000.00 in damages is improper as it violates Local Rule 8.1. Plaintiff filed brief objections to the report and recommendation on August 8, 2021 (Doc. 11), in which he clarifies a few of his allegations but stands on the claims asserted in his complaint.

When objections are timely filed to a magistrate judge's report and recommendation, the district court must conduct a *de novo* review of those portions

of the report to which objections are made. 28 U.S.C. § 636(b)(1); *Brown v. Astrue*, 649 F.3d 193, 195 (3d Cir. 2011). Although the standard is *de novo*, the extent of review is committed to the sound discretion of the district judge, and the court may rely on the recommendations of the magistrate judge to the extent it deems proper. *Rieder v. Apfel*, 115 F. Supp. 2d 496, 499 (M.D. Pa. 2000) (citing *United States v. Raddatz*, 447 U.S. 667, 676 (1980)). For those sections of the report and recommendation to which no objection is made, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” FED. R. CIV. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010) (citation omitted). Regardless of whether timely objections are made, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1); Local Rule 72.31.

In the instant matter, the court has considered Seabrook’s objections and provided *de novo* review to the portions of the report to which they correspond, and finds them to be without merit. Magistrate Judge Carlson’s report and recommendation is well-reasoned and the court is satisfied that it contains no clear error.

Accordingly, IT IS HEREBY ORDERED as follows:

- 1) Magistrate Judge Carlson's report and recommendation (Doc. 10) is ADOPTED in its entirety;
- 2) Plaintiff's complaint (Doc. 1) is DISMISSED;
- 3) The Clerk of Court is DIRECTED to close this case; and
- 4) Any appeal taken from this order is deemed frivolous and not in good faith.

s/Sylvia H. Rambo
Sylvia H. Rambo
United States District Judge